UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH J. ARIENO,
 	
                                   Plaintiff,
 	
v.
 	
THE COUNTY OF MONROE and
THE MONROE COUNTY SHERIFF's
DEPARTMENT,
 	
                                   Defendants.
	NOTICE OF REMOVAL
	
	Case No.
	
	(Monroe County Supreme Court
	Index No. E2018000957)

PLEASE TAKE NOTICE that Defendants the County of Monroe and the Monroe County Sheriff's Department ["County Defendants"] remove this civil action to the United States District Court for the Western District of New York pursuant to 28 U.S.C. §1441 and §1446.

Grounds for Removal

1.   Plaintiff commenced this civil action on April 16, 2018, against the County Defendants by filing the Summons and Verified Complaint in the Supreme Court of the State of New York for the County of Monroe, Index No. E2018000957.

2.   County Defendants were served on June 15, 2018.

3.   The County's Answer was not filed in New York State Supreme Court.

4.   The Complaint asserts claims under 42 U.S.C. §1983.

5.   The above-entitled action is one that may be removed to this Court by the County under 28 U.S.C. §1441.

Filing and Service of the Notice of Removal

6.   The County is filing this Notice of Removal within 30 days after receipt of the Verified Complaint, as required by 28 U.S.C. §1446(b).

7.   Notice of the filing of this Notice of Removal will be served upon Plaintiff as required by 28 U.S.C. §1446(d).

8.   A true copy of this Notice of Removal will be filed with the Clerk of the Supreme

of the State of New York for the County of Monroe as required by 28 U.S.C. §1446(d).

Copies of All Process, Pleadings and Orders Served Upon the Defendants

9.   Copies of the above-referenced papers, which are the only process, pleadings or orders served upon or by the County, are attached.

MICHAEL E. DAVIS, MONROE COUNTY ATTORNEY
Attorney for Monroe County

s/ Adam M Clark

July 11, 2018
_____

Adam M. Clark, Esq. of Counsel
Deputy County Attorney
307 County Office Building
39 West Main Street, Rochester, New York 14614
Telephone: 585.753.1374
adamclark @ monroecounty.gov

To: Monroe County Clerk
Clerk of the Supreme Court of the State of New York, Monroe County
101 County Office Building
39 W. Main Street
Rochester, New York 14614

James P. Vacca, Esq.
Attorney for Plaintiff
One East Main Street, Suite 805
Rochester, New York 14614
Phone: (585) 423-0110
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jamespvacca @ frontiernet.net

JS 44   (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.   *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS	DEFENDANTS
Joseph J. Arieno	The County of Monroe and the Monroe County Sheriff's Department

(b) County of Residence of First Listed Plaintiff Monroe	County of Residence of First Listed Defendant Monroe
(EXCEPT IN U.S. PLAINTIFF CASES)	*(IN U.S. PLAINTIFF CASES ONLY)*
	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*	Attorneys *(If Known)*
James P. Vacca, Esq., One East Main Street, Suite 805, Rochester, New York, 14614, Phone: 585-423-0110	Michael E. Davis, County Attorney, Adam M. Clark Deputy County Attorney, 307 County Office Building, 39 West Main Street, Rochester, New York, 14614, Phone: 585-753-1374

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1   U.S. Government
Plaintiff

☒ 3   Federal Question
(U.S. Government Not a Party)

☐ 2   U.S. Government
Defendant

☐ 4   Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff*
(For Diversity Cases Only)   *and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*   Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury -		☐ 423 Withdrawal	☐ 376 Qui Tam (31 USC
☐ 130 Miller Act	☐ 315 Airplane Product	Product Liability	☐ 690 Other	28 USC 157	3729(a))
☐ 140 Negotiable Instrument	Liability	☐ 367 Health Care/			☐ 400 State Reapportionment
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel &	Pharmaceutical			☐ 410 Antitrust
& Enforcement of Judgment	Slander	Personal Injury		**PROPERTY RIGHTS**	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 330 Federal Employers'	Product Liability		☐ 820 Copyrights	☐ 450 Commerce
☐ 152 Recovery of Defaulted	Liability	☐ 368 Asbestos Personal		☐ 830 Patent	☐ 460 Deportation
Student Loans	☐ 340 Marine	Injury Product		☐ 835 Patent - Abbreviated	☐ 470 Racketeer Influenced and
(Excludes Veterans)	☐ 345 Marine Product	Liability		New Drug Application	Corrupt Organizations
☐ 153 Recovery of Overpayment	Liability	**PERSONAL PROPERTY**		☐ 840 Trademark	☐ 480 Consumer Credit
of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 370 Other Fraud	**LABOR**	**SOCIAL SECURITY**	☐ 490 Cable/Sat TV
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle	☐ 371 Truth in Lending	☐ 710 Fair Labor Standards	☐ 861 HIA (1395ff)	☐ 850 Securities/Commodities/
☐ 190 Other Contract	Product Liability	☐ 380 Other Personal	Act	☐ 862 Black Lung (923)	Exchange
☐ 195 Contract Product Liability	☐ 360 Other Personal	Property Damage	☐ 720 Labor/Management	☐ 863 DIWC/DIWW (405(g))	☐ 890 Other Statutory Actions
☐ 196 Franchise	Injury	☐ 385 Property Damage	Relations	☐ 864 SSID Title XVI	☐ 891 Agricultural Acts
	☐ 362 Personal Injury -	Product Liability	☐ 740 Railway Labor Act	☐ 865 RSI (405(g))	☐ 893 Environmental Matters
	Medical Malpractice		☐ 751 Family and Medical		☐ 895 Freedom of Information
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	Leave Act		Act
☐ 210 Land Condemnation	☒ 440 Other Civil Rights	**Habeas Corpus:**	☐ 790 Other Labor Litigation	**FEDERAL TAX SUITS**	☐ 896 Arbitration
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee	☐ 791 Employee Retirement	☐ 870 Taxes (U.S. Plaintiff	☐ 899 Administrative Procedure
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate	Income Security Act	or Defendant)	Act/Review or Appeal of
☐ 240 Torts to Land	☐ 443 Housing/	Sentence		☐ 871 IRS—Third Party	Agency Decision
☐ 245 Tort Product Liability	Accommodations	☐ 530 General		26 USC 7609	☐ 950 Constitutionality of
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities -	☐ 535 Death Penalty	**IMMIGRATION**		State Statutes
	Employment	**Other:**	☐ 462 Naturalization Application		
	☐ 446 Amer. w/Disabilities -	☐ 540 Mandamus & Other	☐ 465 Other Immigration		
	Other	☐ 550 Civil Rights	Actions		
	☐ 448 Education	☐ 555 Prison Condition			
		☐ 560 Civil Detainee -			
		Conditions of			
		Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

☐ 1   Original
Proceeding

☒ 2   Removed from
State Court

☐ 3   Remanded from
Appellate Court

☐ 4   Reinstated or
Reopened

☐ 5   Transferred from
Another District
(specify)

☐ 6   Multidistrict
Litigation -
Transfer

☐ 8   Multidistrict
Litigation -
Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 USC 1983

Brief description of cause:
Alleged false arrest and malicious prosecution by law enforcement

VII. REQUESTED IN COMPLAINT:	☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND $	CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY   *(See instructions)*:   JUDGE _____   DOCKET NUMBER _____

DATE	SIGNATURE OF ATTORNEY OF RECORD
07/11/2018	s/ Adam M Clark

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____

JOSEPH J. ARIENO v. THE COUNTY OF MONROE, and THE MONROE COUNTY SHERIFF'S DEPARTMENT

Please list **Adam M. Clark** as the "**lead attorney**" and "**notice attorney**" for Defendants County of Monroe and Monroe County Sheriff's Department ["County Defendants"].

Please do **not** list Michael E. Davis as either notice or lead attorney.

Thank you.

Adam M. Clark
Deputy County Attorney
Of Counsel to Michael E. Davis, Monroe County Attorney